

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Following today's hearing at which a number of issues relating to the subpoenas in dispute were discussed, **IT IS ORDERED** as follows:

1. Counsel for plaintiffs and for Washington Group are directed to advise the Eastern District of Louisiana of this dispute at the March 7, 2008 conference and request that court's assistance at determining whether the subpoenas issued from this court were in accordance with the various scheduling and case management orders in effect in the underlying litigation.

2. In the event is it determined that the subpoenas were
permissibly issued, the parties including Professor Bea are

1 directed to make one final effort to resolve the dispute in
2 accordance with the views expressed by the court at today's
3 hearing. If they are unsuccessful, by **March 21, 2008**, counsel
4 for plaintiffs, the University and Professor Bea shall file a
5 supplemental brief and any necessary supporting documents on
6 the following issues:

7 (1) Whether the documents in Professor Bea's possession
8 that Washington Group wishes produced are in the
9 possession, custody or control of the University,
10 having in mind the concerns expressed by the court;
11 (2) At what point did Professor Bea begin working as
12 plaintiffs' expert such that his work might be
13 subject to work/product protection.

14 3. Washington Group shall file an opposition to this
15 supplemental briefing by **March 31, 2008**.

16 4. Any reply shall be filed by **April 7, 2008**.

17 Dated: March 5, 2008

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20 Bernard Zimmerman
United States Magistrate Judge

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